

REMARKS

Claims 11 to 20 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 11 to 13 and 17 to 20 were rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 5,513,878 (“Ueda”). Applicants respectfully submit that Ueda does not anticipate the present claims for the following reasons.

Claim 11 relates to a protective device for a vehicle, which includes a switch to deactivate the protective device, a processor, and an additional module having at least one logic module. Claim 11 further recites that a switch position is verifiable by the processor and by the additional module independently from one another.

Ueda refers to an electronic system for activating a vehicle rider protection system, which includes three independent processing circuits for processing an acceleration signal to determine whether a collision has taken place or not. In contrast to the claimed “switch to deactivate the protective device,” the transistor switch 71 of Ueda provides an ignition current activating the ignition element and consequently a triggering of the airbag. Thus, Ueda describes a completely different feature than the claimed feature. Moreover, transistor switch 71 of Ueda is not verifiable independently by the processor and another module, as required by the presently claimed subject matter. For example, as described on page 1, lines 18 to 21, of the Specification, the independent verification involves analyzing the switch position, but according to FIG. 2 of Ueda the “OR” gate 6 and “AND” gate 7 merely output signals, which means an analysis is not even possible unless a back channel is present, and there is certainly no suggestion of any verification or analysis.

Accordingly, for at least these reasons, and for the reasons stated in Applicants previous response, it is respectfully submitted that Ueda does not anticipate claim 11. With respect to claims 12, 13 and 17 to 20, which ultimately depend from claim 11 and therefore include all of the limitations of claim 11, it is respectfully submitted that Ueda does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 11. Withdrawal of this rejection is therefore respectfully requested.

With respect to the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of U.S. Patent Application Publication No. 2004/0045760 ("Baumgartner"), it is respectfully submitted that even if it were proper to combine the references as suggested by the Examiner (which is not conceded), the secondary Baumgartner reference does not cure the critical deficiencies of the Ueda reference (as explained above) with respect to claim 11, from which claim 14 ultimately depends. Indeed, the Office Action merely uses Baumgartner for the alleged disclosure of a time response modification. Accordingly, claim 14 is patentable for the above reasons and the reasons given in support of the patentability of parent claim 11.

With respect to the rejection of claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of U.S. Patent No. 5,570,903 ("Meister"), it is respectfully submitted that even if it were proper to combine the references as suggested by the Examiner (which is not conceded), the secondary Meister reference does not cure the critical deficiencies of the Ueda reference (as explained above) with respect to claim 11, from which claims 15 and 16 depend. Indeed, the Office Action merely uses Meister for the alleged disclosure of a resistor network and a Hall-effect sensor. Accordingly, claims 15 and 16 are patentable for the above reasons and the reasons given in support of the patentability of parent claim 11.

Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON LLP

 (R. No. 36,197)

Dated: 9/27/06

By: JUNG LEE for Gerard A. Messina
Gerard A. Messina
Reg. No. 35,952
One Broadway
New York, New York 10004
(212) 425-7200

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